

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8863 OF 2011

Maharashtra State Electricity
Distribution Co. Ltd. Aurangabad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Satish M. Godsay, Advocate for the Petitioner.
Ms. S. S. Raut, A.G.P. for Respondent Nos. 1 and 2.
Shri M. B. W. Khan, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA
A. M. BADAR, JJ.**

DATE : 08TH FEBRUARY, 2016.

PER COURT :

. The petitioner has assailed the action putting the seal upon the property bearing CTS No.6493 at City Chowk, Aurangabad. We had heard Mr. Godsay, the learned counsel for the petitioner.

2. This Court had granted interim orders in favour of the petitioner in terms of prayer clause "E" and the respondents were directed to remove the seal. The then Chief Executive Officer has filed affidavit in reply stating that the said order was passed by the incharge Officer, as he was over burdened with the work and when he got the knowledge of the same, he has directed the respondent No. 4 to open the seal immediately and it was opened

on the next day under punchanama.

2. In light of above, since four years the interim orders are in force. According to the respondents, the petitioner is a tenant of the said property. In case, the respondents have any right with regard to taking over the possession, it is at liberty to adhere to the due process of law. It is submitted that, the respondents have already filed the suit before the Wakf Tribunal and the same is pending. Then the parties would be governed by the orders passed in the said suit.

3. The writ petition is disposed of. Rule accordingly is made absolute in terms of interim orders. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]